IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
W.P.NO.2801 OF 2005

Zahid Khan Habib Khan ..Petitioner

Vs.

The Union of India and 3 Ors..Respondents

...

Mr.Vinod N.Tayade Adv.for Petitioner
Mr.Suresh Kumar Adv.for Respondent Nos.1 to 3

...

CORAM: F.I.REBELLO AND
SMT.V.K.TAHILRAMANI,JJ.
DATE : AUGUST 1,2006

P.C.

1. The entire case of the petitioner is based on the fact that the 25% of D.A. has to be taken into consideration for computing the pensionary benefits. The stand of the Respondent before the Tribunal and before this Court is that only 50% of the D.A. has to be taken into consideration and they have so done. Nothing has been pointed out to us anything contrary to the reply filed by the Respondents in the form of affidavit or otherwise to indicate that what they have done is contrary to law. Considering the consistent stand and the formula which has been set out in para 6 of the affidavit of Z.A.Khan,

Divisional Finance Manager (I) dated 28.7.2006, we do not find the impugned order suffers from any error apparent on the face of it and consequently, petition is disposed of.

[F.I.REBELLO, J.]

[SMT.V.K.TAHILRAMANI,J.]